

1 SARA B. BRODY (Bar No. 130222)
HOWARD S. CARO (Bar No. 202082)
2 MICHAEL E. LIFTIK (Bar No. 232430)
MADELEINE LOH (Bar No. 233388)
3 HELLER EHRMAN LLP
333 Bush Street
4 San Francisco, California 94104-2878
Telephone: +1.415.772.6000
5 Facsimile: +1.415.772.6268

6 Attorneys for Defendants
NETOPIA, INC., ALAN B. LEFKOF,
7 and DAVID A. KADISH

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION *E-FILED - 11/16/05*

12 IN RE NETOPIA, INC. SECURITIES
13 LITIGATION

) Case No.: C 04-3364 RMW
) And Related Cases
)

14) **STIPULATION AND**
15) **ORDER REGARDING**
16) **DEFENDANTS TIME TO REPLY**
17) **TO OPPOSITION TO MOTION TO**
18) **DISMISS AND LENGTH OF BRIEF**

15 _____
16 This Document Relates to: All Actions
17 _____

1 WHEREAS, on August 29, 2005, Defendants Alan B. Lefkof, David A. Kadish, and
2 Netopia, Inc. Filed a Notice of Motion and Motion to Dismiss, or in the Alternative to Strike
3 Allegations From, Plaintiffs' Consolidated Amended Complaint;

4 WHEREAS, on August 29, 2005, Defendant Thomas A. Skoulis filed a Notice of Joinder
5 and Joinder of Defendant Thomas Skoulis to Defendants' Pending Notice of Motion and Motion to
6 Dismiss and/or in the Alternative to Strike Allegations from Plaintiffs' Consolidated Amended
7 Complaint;

8 WHEREAS, on September 6, 2005, Defendant William D. Baker filed a Notice of Joinder
9 and Joinder to Defendants' Notice of Motion and Motion to Dismiss, or in the Alternative to Strike
10 Allegations from, Plaintiffs' Consolidated Amended Complaint, and a Notice of Motion and
11 Motion to Dismiss Allegations from Plaintiffs' Consolidated Amended Complaint and,
12 Memorandum of Points and Authorities in Support Thereof;

13 WHEREAS, Lead Plaintiffs filed an Opposition to the above-referenced Motions to Dismiss
14 of Defendants Netopia, Lefkof, Kadish, Skoulis and Baker on October 13, 2005;

15 WHEREAS, pursuant to prior stipulation, Defendants' Replies to Lead Plaintiffs'
16 Opposition to the Motions to Dismiss are presently due on November 14, 2005;

17 WHEREAS, a hearing for the Motions to Dismiss is scheduled before this Court on
18 December 9, 2005.

19 WHEREAS, Defendants have requested, and Lead Plaintiffs have agreed that, in order to
20 accommodate the schedules of Defendants' counsel, Defendants' Replies to Lead Plaintiffs'
21 Opposition to the Motions to Dismiss shall be due November 18, 2005, which date complies with
22 Local Rule 7-3(c);

23 WHEREAS, Defendants have requested, and Lead Plaintiffs have agreed, that in order to
24 preserve judicial resources and to avoid making duplicative arguments in multiple briefs,
25 Defendants Netopia, Inc., Alan Lefkof and David Kadish may file a consolidated Reply in Further
26 Support of their Motions do Dismiss that will not exceed 20 pages in length;

27 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the parties,
28 subject to the Order of the Court, that Defendants' Replies to Lead Plaintiffs' Opposition to the
Motions to Dismiss shall be filed on or before November 18, 2005, and that Defendants Netopia,

1 Inc., Alan Lefkof, and David Kadish may file a single Reply Brief to Lead Plaintiffs' Opposition to
2 the Motions to Dismiss not to exceed 20 pages in length.

3 IT IS SO STIPULATED.

4 Dated: November 10, 2005

By: /s/ (with express authorization) _____.

SCHATZ & NOBEL, P.C.

ANDREW M. SCHATZ

JEFFREY S. NOBEL

JUSTIN S. KUDLER

One Corporate Center

20 Church Street, Suite 1700

Hartford, Connecticut 06103

(860) 493-6292

Lead Counsel for Lead Plaintiffs

11 Dated: November 10, 2005

By: /s/ _____

HELLER EHRMAN LLP

SARA B. BRODY

HOWARD S. CARO

MICHAEL E. LIFTIK

333 Bush Street

San Francisco, CA 94104

(415) 772-6000

Counsel for Defendants Netopia, Inc.,

Alan B. Lefkof, and David A. Kadish

18 Dated: November 10, 2005

By: /s/ (with express authorization) _____.

ORRICK, HERRINGTON & SUTCLIFFE LLP

SUSAN D. RESLEY

1000 Marsh Road

Menlo Park, California 94025

(650) 614-7400

Counsel for Defendant William D. Baker

24 Dated: November 10, 2005

By: /s/ (with express authorization) _____.

PROSKAUER ROSE LLP

ANTHONY PACHECO

2049 Century Park East, 32nd Floor

Los Angeles, California 90067-3206

(310) 557-2900

Counsel for Defendant Thomas A. Skoulis

ORDER

IT IS HEREBY ORDERED that Defendants' Replies to Lead Plaintiffs' Opposition to the Motions to Dismiss shall be filed on or before November 18, 2005, and that Defendants Netopia, Inc., Alan Lefkof, and David Kadish may file a single Reply Brief to Lead Plaintiffs' Opposition to the Motions to Dismiss not to exceed 20 pages in length.

IT IS SO ORDERED:

DATED: 11/16, 2005

/S/ RONALD M. WHYTE

HON. RONALD M. WHYTE
U.S. DISTRICT COURT JUDGE